

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act
September 2, 2016
File Number: 4561-3-1157

1. In accordance with section 6(6) of the Regulation, it has been determined that the undertaking may proceed following approval under all other applicable acts and regulations.
2. Commencement of this undertaking must occur within three years of the date of this Determination. Should commencement not be possible within this time period the undertaking must be registered under the *Environmental Impact Assessment Regulation* (87-83) – Clean Environment Act again, unless otherwise stated by the Minister of Environment and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated April 2008, and subsequent addendums, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Environmental Assessment (EA) Section, Department of Environment & Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met, or until it is deemed by the Manager, EA Section, DELG to be no longer necessary.
4. The proponent shall ensure all contractors/operators associated with the project are made aware of, and abide by the most current version of the New Brunswick Department of Transportation and Infrastructure's *Environmental Management Manual*.
5. The proponent shall ensure all precautions are taken by contractor/staff to prevent fuel leaks/oil spills, and that a Contingency Plan in case of fuel leak/oil spill is in place. Please note that refueling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 metres from any surface water or wetland boundary. Appropriate spill response equipment must be kept in a readily accessible location during project construction and operation. All spills and releases must be promptly reported to the 24 hour emergency response line at 1-800-565-1633.
6. The proponent must apply for and obtain a permit under the *Watercourse and Wetland Alteration Regulation* (N.B. Reg. # 90-80 - Clean Water Act) prior to commencing any activities/alterations in or within 30 meters of any regulated watercourse or wetland.
7. The proponent shall carry out the project in accordance with the objectives of the *New Brunswick Coastal Areas Protection Policy (NBCAPP)*. For more information on the NBCAPP, please visit the following web link: <http://www.gnb.ca/0009/0371/0002/Coastal-E.pdf>.

8. Prior to commencing the project, the proponent must obtain a Fisheries Act authorization from the Fisheries Protection Program of Fisheries and Oceans Canada (DFO). For more information, please contact the Fisheries Protection Program at 506-851-3365.
9. In order to avoid negative impacts on Gaspereau migration, American Eel migration and their commercial fishery, the proponent shall consult with DFO during the Fisheries Act authorization (FAA) process to determine timing restrictions during construction.
10. The proponent must apply for and, if required, obtain an approval pursuant to the Navigation Protection Act. For more information, please contact Transport Canada's Navigation Protection Program (NPP) at 95 Foundry Street, 6th floor, P.O. Box 42, Moncton, NB E1C 8K6, or by phone at (506) 851-3113, or by email at NPPATL-PPNATL@tc.gc.ca and reference Transport Canada's project file number 8200-06-2282.
11. The proponent shall apply for and if required, obtain an authorization from the Department of Energy and Resource Development (DERD) for use of land under the administration and control of DERD. For more information, please contact DERD's Land Use Application Service Centre at 1-888-312-5600.
12. In the event that it is determined the water quantity or quality of a neighboring well has been impacted by the implementation of the project, it will be the proponent's responsibility to investigate and potentially rectify the situation in the short term (i.e. supply bottled water, etc.) or in the long term as deemed necessary (i.e. deepening or drilling a new well, etc.).
13. If it is suspected that remains of archaeological significance are found during construction, as per the Heritage Conservation Act, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-2756.
14. In the event of the sale, lease, or any other conveyance or change of control of the project, or any portion thereof, the proponent shall provide written notice of the conditions to the lessee, controller, or purchaser, and
15. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.